

# **Exhibit 62**

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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 HERMÈS INTERNATIONAL, et al.,

4 Plaintiffs,

5 v.

22 Civ. 384 (JSR)

6 MASON ROTHSCHILD,

7 Defendant.

8 -----x  
9 New York, N.Y.  
February 1, 2023  
10 9:30 a.m.

11 Before:

12 HON. JED S. RAKOFF,

13 District Judge  
-and a Jury-

14  
15 APPEARANCES

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Estival - Direct

1 (Jury present)

2 SONNY ESTIVAL, resumed.

3 THE COURT: Please be seated.

4 Good morning, ladies and gentlemen.

5 Thank you very much for your promptness and we are  
6 ready to proceed.

7 Counsel.

8 MR. HARRIS: Thank you, your Honor.

9 DIRECT EXAMINATION (Continued)

10 BY MR. HARRIS:

11 Q. Good morning, Mr. Rothschild.

12 A. Good morning.

13 Q. Mr. Rothschild, yesterday -- I just want to clarify one  
14 thing. I asked you a question about Virgil Abloh, and you said  
15 he recently had a show at the Whitney Museum.

16 A. I made a mistake. It was actually the Brooklyn museum.

17 Q. That was a show of his artistic works?

18 A. Yes, as well as some of his work in, like, designing  
19 fashion, architecture as well.

20 THE COURT: Lean that microphone down a little bit.

21 Q. When we left off yesterday, Mr. Rothschild, we were  
22 discussing your "Do Not Sit" project.

23 A. Yes.

24 MR. HARRIS: Ashley, could you please put back up  
25 Exhibit 523 in evidence.

N21sHER2

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1 A. Um, yes.

2 Q. What were you thinking when you sent that?

3 A. Um, when I said get away with, I was, kind of, referring to  
4 the situation. I was speaking about this situation that we're  
5 in today, where I should be able to get away with creating this  
6 artwork, um, because it's my artistic expression and, you know,  
7 a company like Hermès shouldn't be able to sue me for it.

8 Q. Mr. Rothschild, is everything you did with MetaBirkins  
9 public?

10 A. Um, yes. I mean, every communication is on Discord, which  
11 is a public place. Anybody could join and all my transactions  
12 are public on the blockchain.

13 Q. Did you have any ability to get away with anything in  
14 secret with MetaBirkins?

15 A. Um, I don't think so, especially not at this stage, you  
16 know, of discovery.

17 Q. Did you tell friends in text messages you might be  
18 collaborating with Hermès?

19 A. Yes, at some point.

20 Q. And why?

21 A. Um, I work in fashion, so I know a lot of people in  
22 fashion. And one of those people, um, was a high-ranking  
23 member at a big, um, company called Yoox, said he had  
24 connections at Hermès. And numerous people told me this, and  
25 they said that they would try to get them on the line with me.

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1 Q. What is -- I'm sorry -- Yoox, Y-u-t-e?

2 A. Y-o-o-x.

3 Q. What is Yoox?

4 A. They are a company. They sell a lot of brands, plus they  
5 also handle the e-commerce. I don't know what they do today.  
6 This is just, like, my knowledge at the time. They handle  
7 e-commerce for a lot of different companies, one of them was  
8 Celerant, handled the web store and fulfillment.

9 Q. Why did you think they might be able to help you  
10 collaborate with Hermès?

11 A. That member who reached out to me was a president of that  
12 company at the time, um, and I just -- I just believed them.

13 Q. And were you, in fact, hoping to be able to collaborate  
14 with Hermès?

15 A. For sure.

16 Q. And would you have liked to have collaborated with Hermès?

17 A. Definitely.

18 Q. Did there come a time you gave an interview, you gave an  
19 interview or had an interview with Yahoo Finance?

20 A. Correct.

21 Q. Do you recall when that was?

22 A. It was shortly after the mint of MetaBirkins, so it had to  
23 be, like, mid or early December. Um, anytime after the 4th, I  
24 believe.

25 MR. HARRIS: Your Honor, the next exhibit you admitted

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1 yesterday with a limiting instruction. It's the Yahoo Finance  
2 article. I'm going to just show the part of it that, if I may,  
3 to the jury that you allowed in.

4 THE COURT: That's fine.

5 MR. HARRIS: OK. Ashley, just Mr. Rothschild's  
6 statement.

7 All right. Thank you. Put it up on my screen first,  
8 if you want to check to make sure we're getting it right.

9 Not the question, just the answer actually.

10 Can you do that? I think that's fine.

11 Oren, do you have any objection?

12 Your Honor, is that OK if we show it at is?

13 THE COURT: Yes.

14 MR. HARRIS: Thank you.

15 BY MR. HARRIS:

16 Q. Do you recall giving an interview?

17 I think I just asked you that. You gave an interview  
18 to Yahoo Finance?

19 A. Yes.

20 Q. And you gave this answer.

21 Could you just read the first two sentences of it,  
22 please, to the jury?

23 A. I say: I mean, for me, there's nothing more iconic than  
24 the Hermès Birkin bag, and I wanted to see as an experiment to  
25 see if I could create the same kind of illusion that it has in